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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,995	09/13/2000	Steven A. Weiss	30150-pa	7972

7590

08/12/2003

BERNHARD KRETEN, ESQ. & ASSOCIATES
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SACRAMENTO, CA 95814

EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

14

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,995

Applicant(s)

WEISS, STEVEN A.

Examiner

Kim Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4 and 6-9 is/are allowed.
- 6) ☒ Claim(s) 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

The amendment filed on May 19, 2003 (paper No. 13) has been received and considered. By this amendment, claims 10-11 have been added and claims 1-2, 4, 6-11 are now pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US. Patent No. 6,364,766) in view of Jaffe (US. Patent No. 6,254,481).

As per claim 10-11, Anderson teaches a gaming device which comprises: wager accepting means (col. 3, lines 7-10); a display (col. 3, lines 45-46); processor means (col. 3, lines 50-53); a primary game having a first and second particular outcome (col. 4, lines 58-60); and first and second bonus games being accessed via the first and second outcome, respectively (col. 5, lines 1-3 and 5-7; and col. 6, lines 16-18). Anderson does not teach the first bonus game includes an outcome to play the second bonus game. However, Jaffe teaches a first bonus game that includes an outcome to play a second bonus game (col. 8, lines 38-43). Further, since the outcome of the first bonus game results in the second bonus game, the outcome is obviously at the terminus of the first bonus game. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an outcome that activates a second bonus game taught by Jaffe to the first bonus game of Anderson to activate the second bonus game in order to award extra bonus to the player.

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Allowable Subject Matter

2. Claims 1-2, 4 and 6-9 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:
Prior arts of record does not disclose a gaming device which includes a first and second bonus games that are accessible by primary game outcomes, respectively; a certain outcome of the first bonus game also activates the second bonus game; the first bonus game is defined by a path to be traversed and a terminus of the path leads to the second bonus game.

Response to Arguments

- a) Claims 1-2, 4 and 6-9 are allowed.
- b) Claims 10-11 do not contain the allowable subject matter and are rejected as explained above.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 872-9303, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-7768 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA., Second
Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:00 am to 5:30 pm ET. The fax phone number for this Group is (703)872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1148.

Kn
August 7, 2003


KIM NGUYEN
PRIMARY EXAMINER